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Subject: Re: Enforced Disappearances Negotiations (12-23 January 2004)
To: "Michael Peay" [redacted]
From: "Carmen Rueda [redacted]
Date: Mon, 26 Jan 2004 17:37:07 +0100

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Dear Michael,
Thanks very much for your kind words and for sending me your observations.
It certainly facilitates my work, as it is not always easy to take accurate
notes during the meeting. It is my recollection also that they were accepted by the Chair.
Best regards,
Carmen

Michael Peay [redacted]
crueda [redacted] hoo.com>
peaytm@state.gov, brancatogm@state.gov
26.01.2004 13:28

To:
cc:
Subject: Enforced Disappearances Negotiations (12-23 January 2004)

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UNITED STATES DEPARTMENT OF STATE
REVIEW AUTHORITY: ARCHIE M BOLSTER
DATE/CASE ID: 24 JUL 2009 200706444

January 26, 2004

Dear Carmen,

Let me begin by sincerely complimenting you personally, as well as your staff, for you very high level of professionalism, which added such value
to our recent discussions.

Since it is not entirely clear to me which elements of my final intervention on the closing day may have been garbled, I appreciate your
request for clarification and this opportunity to do so. As you recall, my
intervention was focused primarily on paragraphs 12-14 of the Draft Report.
I will review them.

With regard to para. 12, one of our two concerns focused on the clause "while none disputed the right of relatives to the type of information in
question". We consider that clause to be a not entirely accurate reflection

of the debate, bearing in mind the strong USG objections to any reference
to a "right" to such information. Our proposal was to replace that clause
with the following: "while none dispu! ted the principle that relatives
must have access to the type of information in question".

We further proposed that the follow-on clause in that same sentence be
expanded to make reference to other balancing considerations beyond the two
specifically mentioned. We thus proposed that the follow-on clause be
revised to read: "they considered that account must also be taken of other
important considerations mentioned, including but not limited to everyone's
right to privacy and the need to avoid harming persons deprived of
liberty."

It is our recollection that the Chairman was agreeable to these fixes and
that no other delegations objected.

With respect to Paragraph 13, we proposed an insert to the second sentence,
so that it would read as follows: "One delegation suggested that . . . all
provisions on access to information should appear together in the text."
Again, it is our recollection that the Chair was agreeable to this fix as
well.

With respect to Paragraph 14, we proposed that a new sentence be added at
the end that would say: "Another delegation offered a compromise proposal
to address the issue of access to information that would track the wording
found in Article 19, paragraph 2 of the [ICCPR] and thus require States
Parties to the new instrument to ensure respect for the freedom of
relatives and other persons with a legitimate interest to seek and receive
information as provided for in the instrument." Our recollection is that
t! his proposal, like the others, was considered by the Chair as accurate
and thus appropriate for inclusion in the Draft Report (particularly after
I clarified that we were not/not asking that the document number
corresponding to this particular proposal be specifically cited as part of
Para. 14).

I hope these clarifications will assist you in preparing a final Draft
Report. Again, Carmen, I particularly appreciate this opportunity to
ensure our interventions are inlcuded for the benefit of all delegations
that will be providing further comments on the Draft Report you are
preparing. Please contact me if you have any questions.

Best personal regards to you and your staff.

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